

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED

NOV 27 2017

AT ____ O'CLOCK
Lawrence K. Baerman, Clerk - Syracuse

5:17-mj-523 (twd)

UNITED STATES OF AMERICA

v.

Patrick D. Angelofor the
Northern District of New York

)

Case No

Defendant(s)

)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of October 19, 2017 in the county of Onondaga in the Northern District of New York the defendant(s) violated:

18, U.S.C. § 875(c) and
18, U.S.C. § 115(a)(1)(B)

Offense Description:

Knowing and willfully transmit a threat, in interstate and foreign commerce; and, Threatened to kill a U.S. Congressman while he engaged in the performance of his official duties.

This criminal complaint is based on these facts:

Click here to enter text.

Continued on the attached sheet.

Complainant's signature

S.A. Melissa Lewis, Federal Bureau of Investigation

Printed name and title

Judge's signature

Sworn to before me and signed in my presence.

Date: November 27, 2017

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

State of New York)
County of Onondaga) ss:
City of Syracuse)

I, Melissa Lewis, being duly sworn, depose and state:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have been so employed by the FBI since November 2014. I am currently assigned to the Syracuse Resident Agency in Syracuse, New York (“FBI Syracuse”), which is part of the Albany Division, Albany, New York. I am currently assigned to a criminal squad, which specializes in investigating violent crimes, civil rights violations, financial crimes, and dismantling criminal enterprises and drug trafficking organizations. During my time as a special agent, I have participated in numerous complex investigations and I have been the affiant on numerous warrants. Prior to my employment with the FBI, I was employed as a Pennsylvania State Trooper and a County Detective for the Pike County District Attorney’s Office, in Pike County, Pennsylvania.

2. The statements contained in this affidavit are based on my personal observations, my training and experience, and information provided to me by other law enforcement officers involved in this investigation. Because this affidavit is being submitted for the limited purpose of seeking a Criminal Complaint, I have not included each and every fact known to me concerning this investigation.

3. This affidavit is made in support of a Criminal Complaint for Patrick D. Angelo (“ANGELO”) for interstate communication of a threat in violation of Title 18, United States Code, Section 875(c) and Retaliating Against a Federal Official, in violation of Title 18, Section 115 (a)(1)(B).

II. PROBABLE CAUSE

4. On October 19, 2017, New York Congressman John Katko's Washington D.C. office received a threatening voice mail that included a death threat to the congressman and his family. The call was received at approximately 7:50 pm and originated from phone number 315-521-0141.

5. The message stated: *Listen Mr. Katko, if you support net neutrality, I will support you. But if you don't support net neutrality, I will find you and your family and I will kill...you...all. Do you understand? I will literally find all...of...you and your progeny and t- just wipe you from the face of the earth. Net neutrality is more important than the defense of the United States. Net neutrality is more important than free speech. Net neutrality is more important than health care. Net neutrality is literally the basis of the new society. That even if you don't understand, how important it is, net neutrality is literally the basis of the new...free...society. So if you don't support it, I am willing to lay down my li-* (recording ends)

6. While the call was received on a Thursday, it was not reviewed until Monday, October 23 due to the volume of calls received by the Congressman's Office. Once staff did listen to the call, it was referred to the United States Capitol Police, Threat Assessment Section who began an investigation in coordination with the FBI.

7. The calling number returned to Verizon Wireless, and public records checks matched the cellular number to PATRICK ANGELO, with a residential address in the Syracuse area within the Northern District of New York.

8. Agents spoke to a family member who coordinated contact with ANGELO on November 1st, 2017. ANGELO called the Agents to set up a meeting for a non-custodial interview. It should be noted that ANGELO called Agents from phone number 315-521-0141, the same cellular number that made the threatening call. He refused to provide his address or location to Agents, but did agree to meet them in a "public location." Later that same day, Agents met ANGELO at a McDonald's restaurant in Syracuse. During that interview, ANGELO provided a residential address in Syracuse and employment information.

9. Initially, ANGELO denied placing any telephone calls to Congressman Katko's office, stating that he "definitely did not" make the threat call and that he "...(doesn't) involve (him)self in politics." ANGELO also told the Agents that he does not like the police, especially federal police, stating, "I don't trust them as far as I can throw them".

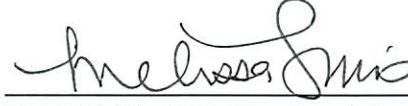
10. When asked about net neutrality, ANGELO stated that it is "all about telecom companies tiering internet service providers (ISP) to provide faster service to certain companies." ANGELO then admitted "*I don't know whose office I called, but yeah, I made a call.*" ANGELO further admitted to leaving a voice mail, explaining that he was upset about net neutrality. ANGELO told the FBI, "*I support net neutrality*" and "*I used strong language, probably something that could be construed as a threat.*" ANGELO also stated, "*I'm sure they didn't appreciate it.*"

11. As a result of the threat, US Capitol Police increased security on Congressman Katko while he was in Washington D.C. Further, FBI Agents also notified the New York State Police, Camillus P.D., Syracuse P.D. and the Onondaga County Sheriff's Office who covered local events or appearances by the Congressman in his home District.

12. A Member of Congress is a United States Official within the meaning of Title 18, United States Code, Section 115(c)(4).

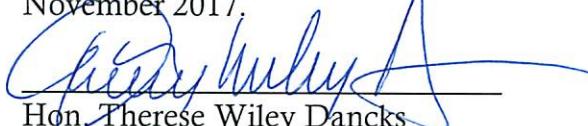
III. CONCLUSION

Based on the forgoing information, there is probable cause to believe that PATRICK ANGELO did knowingly and willfully transmit, in interstate and foreign commerce, that is, using a cellular phone between the Northern District of New York and the District of Washington D.C., a threat to injure a United States Congressman, that is, the defendant left a voice mail message for Congressman John Katko in which he said "...*I will find you and your family and I will kill...you...all. Do you understand? I will literally find all...of...you and your progeny and t- just wipe you from the face of the earth*" in violation of Title 18, United States Code, Section 875(c) and further, PATRICK ANGELO did threaten to assault and murder a United States Official with intent to impede, intimidate and interfere with such United States Official while engaged in the performance of official duties and with intent to retaliate against such United States Official on account of the performance of official duties, in that PATRICK ANGELO threatened to kill a United States Congressman while he was engaged in the performance of his official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B).



MELISSA LEWIS, Special Agent
Federal Bureau of Investigation

Sworn to me this 27th day of
November 2017.



Hon. Therese Wiley Dancks
United States Magistrate Judge